

***[NO MINUTES WERE GENERATED
ON WEDNESDAY, MARCH 31, 2010,
IN OBSERVANCE OF CESAR CHAVEZ DAY.]***

573

**SUPREME COURT MINUTES
THURSDAY, APRIL 1, 2010
SAN FRANCISCO, CALIFORNIA**

S158898 D049038 Fourth Appellate District, Div. 1 **PEOPLE v. COGSWELL
(HENRY IVAN)**

Opinion filed: Judgment reversed

We reverse the judgment of the Court of Appeal. We remand the matter to that court for consideration of defendant's remaining claims, which the Court of Appeal did not address.

Majority Opinion by Kennard, J.

-- joined by George, C. J., Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S159690 C050885 Third Appellate District **STOCKTON CITIZENS FOR
SENSIBLE PLANNING v.
CITY OF STOCKTON (A. G.
SPANOS CONSTRUCTION,
INC.)**

Opinion filed: Judgment reversed

Majority Opinion by Baxter, J.

-- joined by George, C. J., Kennard, Werdegar, Chin, Moreno, and Corrigan, JJ.

S030402 **PEOPLE v. TULLY
(RICHARD CHRISTOPHER)**

Extension of time granted

Good cause appearing, and based upon counsel James S. Thomson's representation that he anticipates filing the appellant's reply brief by May 15, 2010, counsel's request for an extension of time in which to file that brief is granted to May 17, 2010. After that date, no further extension will be granted.

S047868**PEOPLE v. GEORGE
(JOHNATON SAMPSON)**

Extension of time granted

Good cause appearing, and based upon counsel Bruce Eric Cohen's representation that he anticipates filing the appellant's reply brief by June 1, 2011, counsel's request for an extension of time in which to file that brief is granted to May 24, 2010. After that date, only six further extensions totaling about 370 additional days are contemplated.

S056766**PEOPLE v. LEON (RICHARD)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Alison Pease's representation that she anticipates filing the appellant's opening brief by July 30, 2010, counsel's request for an extension of time in which to file that brief is granted to May 24, 2010. After that date, only one further extension totaling about 67 additional days is contemplated.

S098318**PEOPLE v. HENDERSON
(PAUL NATHAN)**

Extension of time granted

Good cause appearing, and based upon counsel Martin H. Dodd's representation that he anticipates filing the appellant's opening brief by September 2010, counsel's request for an extension of time in which to file that brief is granted to May 25, 2010. After that date, only two further extensions totaling about 120 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S181028

C058855 Third Appellate District

**SIERRA OAKS MADISON
LIMITED PARTNERSHIP v.
RALPHS GROCERY
COMPANY**

Extension of time granted

On application of respondents, Ralphs Grocery Company et al., and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to April 26, 2010.

S066940**PEOPLE v. CLARK
(WILLIAM CLINTON)**

Order filed

Appellant's "Motion to File a Supplemental Brief and to File an Overlength Supplemental Brief" is granted. The supplemental respondent's brief must be served and filed on or before May 3, 2010. Appellant's supplemental reply brief must be served and filed within 20 days of the filing of the supplemental respondent's brief.

S066940**PEOPLE v. CLARK
(WILLIAM CLINTON)**

Order filed

Good cause appearing, appellant's application to file an overlength reply brief is granted.

S180857

B222259 Second Appellate District, Div. 3

**SUDRY (SHAY) v. S.C.
(PEOPLE)**

Order filed

The application of Real Party in Interest for permission to file the Preliminary Hearing Reporter's Transcript as attachment to the answer to petition for review is hereby granted.

S179705**COOK, JR., ON DISCIPLINE**

Recommended discipline imposed

The court orders that ULYSSES LAFOY COOK, JR., State Bar Number 68779, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. ULYSSES LAFOY COOK, JR., must comply with the conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on November 20, 2009; and
2. At the expiration of the period of probation, if ULYSSES LAFOY COOK, JR., has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

ULYSSES LAFOY COOK, JR., must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S179714**HAWKINS ON DISCIPLINE**

Recommended discipline imposed

The court orders that EARLY MARLOW HAWKINS, State Bar Number 119827, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. EARLY MARLOW HAWKINS must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on December 2, 2009; and
2. At the expiration of the period of probation, if EARLY MARLOW HAWKINS has complied with the terms of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

EARLY MARLOW HAWKINS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S179770**CHRISTIANSON ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ROGER CARL CHRISTIANSON, State Bar Number 54993, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. ROGER CARL CHRISTIANSON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S179774**BORRELLI ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEPHEN THOMAS BORRELLI, State Bar Number 143746, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. STEPHEN THOMAS BORRELLI is suspended from the practice of law for the first 30 days of probation;
2. STEPHEN THOMAS BORRELLI must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 8, 2009; and

3. At the expiration of the period of probation, if STEPHEN THOMAS BORRELLI has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

STEPHEN THOMAS BORRELLI must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S179777**McKINNEY ON DISCIPLINE**

Recommended discipline imposed

The court orders that KAREN L. McKINNEY, State Bar Number 168614, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. KAREN L. McKINNEY is suspended from the practice of law for the first 30 days of probation;
2. KAREN L. McKINNEY must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 23, 2009; and
3. At the expiration of the period of probation, if KAREN L. McKINNEY has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

KAREN L. McKINNEY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with her membership fees for each of the years 2011, 2012, and 2013. If KAREN L. McKINNEY fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S179782**MORTIMER ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOHN EARL MORTIMER, State Bar Number 130526, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. JOHN EARL MORTIMER must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 2, 2009; and
2. At the expiration of the period of probation, if JOHN EARL MORTIMER has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JOHN EARL MORTIMER must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2011 and 2012. If JOHN EARL MORTIMER fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S179783**SHLIONSKY ON DISCIPLINE**

Recommended discipline imposed

The court orders that YEFIM MANDEL SHLIONSKY, State Bar Number 237892, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. YEFIM MANDEL SHLIONSKY is suspended from the practice of law for a minimum of one year, and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to Gilberto Pantiga Junior in the amount of \$1,270.90 plus 10 percent interest per year from November 18, 2009 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Gilberto Pantiga Junior, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles; and
 - ii. YEFIM MANDEL SHLIONSKY must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. YEFIM MANDEL SHLIONSKY must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 2, 2009.
3. At the expiration of the period of probation, if YEFIM MANDEL SHLIONSKY has

complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

YEFIM MANDEL SHLIONSKY must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

YEFIM MANDEL SHLIONSKY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2011, 2012, and 2013. If YEFIM MANDEL SHLIONSKY fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.